

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
:  
DARRYL C. CARTER,  
:

Plaintiff,  
:

-v-  
:

MOLLY WASOW PARK, et al.,  
:

Defendants.  
:  
-----X

23-CV-10887 (JMF)

MEMORANDUM OPINION  
AND ORDER TO  
SHOW CAUSE

JESSE M. FURMAN, United States District Judge:

On March 26, 2024, the Court entered an Order vacating its prior endorsement granting Plaintiff permission for electronic case filing. *See* ECF No. 17. Noting that Plaintiff had emailed a submission directly to Chambers and that the submission contained “inappropriate and inflammatory language,” the Order also reminded Plaintiff that, as a *pro se* litigant, he is not permitted to directly contact Chambers and that all communications with the Court must be made through the Pro Se Office in accordance with the Court’s Individual Rules and Practices in Civil *Pro Se* Cases. The Order explicitly warned that “[f]ailure to comply with this Order and those restrictions, and future filings of an inappropriate or inflammatory nature, may result in sanctions, including dismissal of this case.” *Id.* at 2.

Later the same day, Plaintiff sent another email to Chambers with a “filing” attached. The Court entered an Order noting that it presumed Plaintiff had not yet seen its earlier Order and, thus, would “not take any steps except to reiterate its warning that failure to comply with the restrictions on direct contact with Chambers may result in sanctions.” ECF No. 18.

The very next day, in blatant violation of the Court’s Orders and disregard of its warnings, Plaintiff sent another email with an attached “filing” directly to Chambers (allegedly

copying Senator Kirsten Gillibrand and the Department of Justice). The email and attachment, copies of which are attached as Exhibit A, contain even more offensive and inflammatory language, including racist epithets and direct attacks against this tribunal. In the email, Plaintiff also states: “since I do not have a right of access to the courts, I am addressing this matter via email. And you dirty whites can close this case too.”

The Court construes this statement to mean that Plaintiff wishes to voluntarily dismiss this matter pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. If that is not the case, and Plaintiff wishes to continue prosecuting this case, he shall file a letter to that effect **no later than April 11, 2024**. In any such letter, Plaintiff shall **also** show cause why this case should not be dismissed as a sanction for his failure to comply with the Court’s prior Orders and for his continued use of inappropriate, offensive, and vulgar language in Court submissions. *See, e.g., Leibovitz v. City of New York*, No. 15-CV-546 (LGS) (HBP), 2019 WL 4307305, at \*1 (S.D.N.Y. Aug. 27, 2019) (dismissing where the plaintiff persisted, despite prior warnings, “in using inappropriate, crude or profane language in his communications”), *report and recommendation adopted*, 2019 WL 4303343 (S.D.N.Y. Sept. 11, 2019); *Cameron v. Lambert*, No. 07-CV-9258 (DC), 2008 WL 4823596, at \*4 (S.D.N.Y. Nov. 7, 2008) (“Pursuant to its inherent power, a court may impose sanctions against a party for acting in bad faith, vexatiously, wantonly, or for oppressive reasons and for misconduct during the course of litigation.” (cleaned up)). Failure to show cause by the deadline will result in dismissal without further notice.

Plaintiff is reminded — for at least the third time — that he may not contact Chambers directly in any way, including but not limited to telephone, email, or regular mail. Instead, all communications with the Court must be made through the Pro Se Office in accordance with the Court’s Individual Rules and Practices in Civil *Pro Se* Cases. Failure to comply with this Order

and those restrictions may result in sanctions, including dismissal of this case.


**Furthermore, lest there be any doubt: Plaintiff shall not use inappropriate, vulgar, crude, profane, or offensive language in his filings or in any other communications with the Court or Court personnel. Continued use of such language will result in dismissal and may also result in a filing injunction prohibiting Plaintiff from filing any lawsuit in this Court without prior leave of the Court.** *See, e.g., Lead Creation Inc. v. Hangzhou Yueji E-Com. Co.*, No. 22-CV-10377 (JMF), 2023 WL 7413835, at \*2 (S.D.N.Y. Oct. 11, 2023) (“It is well established that the Court has inherent authority to impose sanctions to deter abuse of the judicial process, which may include limiting a litigant’s access to the judicial system.” (cleaned up)); *Shukla v. Apple Inc.*, No. 21-CV-3287 (JMF), 2021 WL 5281371, at \*4 (S.D.N.Y. Nov. 12, 2021) (“It is well established that a district court may, in its discretion, impose sanctions, including a litigation bar, against litigants who abuse the judicial process, by filing vexatious, harassing or duplicative lawsuits, causing needless expense to other parties or posing an unnecessary burden on the courts and their personnel.” (cleaned up)).

This Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from this Order would not be taken in good faith, and *in forma pauperis* status is thus denied. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: March 29, 2024  
New York, New York

  
\_\_\_\_\_  
JESSE M. FURMAN  
United States District Judge

## EXHIBIT A

**From:** [Darryl C Carter](#)  
**To:** [Senator Gillibrand](#); [Furman NYSD Chambers](#); [USDOJ Criminal Division](#)  
**Subject:** Pro Se Filing, 23-cv-10887-JMF, Third Notice Documents not Filed, White Cover Up  
**Date:** Wednesday, March 27, 2024 1:21:09 PM  
**Attachments:** [23cv10887\\_notice-fraud-032624.pdf](#)

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**CAUTION - EXTERNAL:**

Senator Gillibrand,  
This is only FYI as the above reproach courts are involved albeit this involves criminal violations from the bench.

This case is a sham, a cover up and a fraud involving criminal misconduct from the bench. The department of justice is copied.

And I do not have to tolerate abuse of power, oppression, and corruption by any public official.  
And since I do not have a right of access to the courts, I am addressing this matter via email. And you dirty whites can close this case too. Regards, Darryl

----- Forwarded message -----

From: **Darryl C Carter** <[dccb.carter@gmail.com](mailto:dccb.carter@gmail.com)>  
Date: Wed, Mar 27, 2024 at 12:42 PM  
Subject: Fwd: Pro Se Filing, 23-cv-10887-JMF, Third Notice Documents not Filed, White Cover Up

Mighty Whitey Cover up. Did you see the Order by this punk ass judge issued on March 26, 2026? Take a look, this is a punk ass white boy cover up judge who is toting the line for white Molly Park and their negroe alliance in HRA. They have been covering up the fact that I DO NOT live in the Bronx, NY. This is all a sham and fraud my mighty whitey to protect White Molly Park and their black alliance. Thanks, mighty whitey.

----- Forwarded message -----

From: **Darryl C Carter**

Filing attached.

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.

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March 26, 2024 @ 12:52:30 PM

Ruby J. Krajick  
Clerk of Court  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

VIA ELECTRONIC MAIL VIA [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov)

**RE: Darryl C. Carter v. Molly W. Park et al, Civil Action #: 23-CV-10887-  
JMF: Order Granting CM/ECF Filing**

Dear Clerk Krajick:

1. With respect to the above referenced case, there is a problem with fraud in the **pro se unit** of this court regarding the routing and handling of filings and related access, thereto, which must be promptly addressed.
2. This fraud problem with the **pro se unit** has spilled over into the **CM/ECF HelpDesk** which apparently does not know how to assign CM/ECF filing access despite the attached court Order. This issue must likewise be promptly addressed.
3. And for the record the address associated with this case which needs to be properly updated on the docket is as follows:
  1. Darryl Chadwich Carter  
690 Albany Avenue, Apt. 2K  
Brooklyn, NY 11203-2155

Page 2 of 8

Note the address mentioned, *ante*, has been the case for sometime, now, and has, also, been updated in the PACER system for quite a while now. Here again, these issues are directly related to fraud and criminal misconduct within the clerk's office and in particular the **pro se unit**.

Sincerely,

/s/ 

Darryl C. Carter

Encl: CM/ECF Order doc #16, two (3) pages, ECF HelpDesk Response(s) three (3) pages

Page 1 of 6

March 26, 2024 @ 12:34:00 PM

Help Desk  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

VIA ELECTRONIC MAIL VIA [HelpDesk@nysd.uscourts.gov](mailto:HelpDesk@nysd.uscourts.gov)

**RE: Darryl C. Carter v. Molly W. Park et al, Civil Action #: 23-CV-10887-  
JMF: Order Granting CM/ECF Filing**

Dear NYSD HelpDesk:

Please note the attached Order, Doc #16, Granting CM/ECF. As I am currently a filer in this court, I am unable to request access via Pacer, as the Pacer system recognizes that I am already a filer in this Court. In this case, I am forwarding the request directly to you for fulfillment and the requested case access is listed on the Order itself. Moreover, the case number is listed above, and is **Darryl C. Carter v. Molly W. Park, 23-cv-10887-JMF**. Your assistance fulfilling this request as soon as possible is appreciated.

Sincerely,

/s/ 

Darryl C. Carter

Encl: CM/ECF Order doc #16, two (2) pages, ECF HelpDesk Response(s) three (3) pages



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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Darryl Chadwich Carter

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Write the full name of each plaintiff or petitioner.

No. 23 CV 10887

-against-

**MOTION FOR PERMISSION FOR  
ELECTRONIC CASE FILING**

Molly Wasow Park

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Write the full name of each defendant or respondent.

I respectfully ask the Court for permission to participate in electronic case filing ("e-filing") in this case. I affirm under penalty of perjury that:

1. I have reviewed the Court's Electronic Case Filing Rules & Instructions, available at [http://nysd.uscourts.gov/ecf\\_filing.php](http://nysd.uscourts.gov/ecf_filing.php), and agree to abide by them.
2. I completed the Court's CM/ECF introduction course<sup>1</sup> on 12/28/2022.
3. I have submitted a Non-Attorney E-File Registration for the PACER system at [https://www.pacer.gov/reg\\_nonatty.html](https://www.pacer.gov/reg_nonatty.html).
4. I understand that once I register for e-filing, I will receive notices and documents only by e-mail in this case and not by regular mail.
5. I understand that if I am granted permission to participate in e-filing, I must file my documents electronically and I may not submit documents to the Pro Se Intake Unit for scanning and docketing.
6. I know how to convert a document to PDF-A format.
7. I have regular access to the technical requirements necessary to e-file successfully:

☒ a computer with internet access and a word processor

type of computer I will be using: Wintel based PC

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<sup>1</sup> You may register for the course on the Court's website: [http://nysd.uscourts.gov/ecf\\_training.php](http://nysd.uscourts.gov/ecf_training.php).

type of word processor I will be using: Microsoft Word 2012 or compatible

- ☒ an e-mail account (on a daily basis) to receive notifications from the Court and notices from the e-filing system
- ☒ a scanner to convert documents that are only in paper format into electronic files

scanning equipment I will be using: Flatbed hardware

- ☒ a PDF reader and a PDF writer to convert word-processing documents into PDF format, the only electronic format in which documents can be e-filed

version of PDF reader and writer that I will be using:

Adobe X compatible

- ☒ a printer or copier to create required paper copies such as chambers copies.

8. I understand that I must regularly review the docket sheet of the case so that I do not miss a filing.

9. I understand that if my use of the ECF system is unsatisfactory, my e-filing privileges may be revoked, and I will be required to file documents in paper.

12/12/2023

Dated

/s/   
Signature

Darryl Chadwich Carter

Name

1734 Webster Avenue

Bronx

NY

10457

Address

City

State

Zip Code

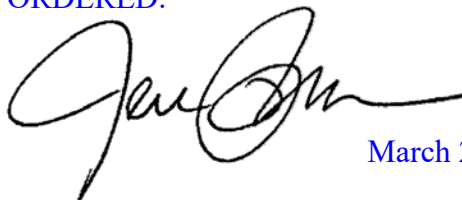
(469) 664-7728

Telephone Number

dcclawinfo@legalhotwater.com

E-mail Address

Application GRANTED. The Clerk of Court is directed to provide Plaintiff with ECF credentials, to terminate ECF No. 5, and to mail a copy of this Order AND a copy of the Court's Order of Service, ECF No. 15, to Plaintiff. SO ORDERED.



March 21, 2024



Darryl C Carter &lt;dccb.carter@gmail.com&gt;

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**Darryl C. Carter v. Molly W. Park: 23-cv-10887-JMF, CM/ECF Order**

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**Help Desk NYSD** <Help\_Desk@nysd.uscourts.gov>

Mon, Mar 25, 2024 at 12:22 PM

To: Darryl C Carter &lt;dccb.carter@gmail.com&gt;

Hi Darryl,

Please advise as to what Pacer login you will be using to file in 23cv10887.

V. Bart

Help Desk Services

United States District Court

Southern District of New York

500 Pearl Street

New York, NY 10007

(212) 805 – 0800 ext. 2

[Quoted text hidden]



Darryl C Carter &lt;dccb.carter@gmail.com&gt;

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**Darryl C. Carter v. Molly W. Park: 23-cv-10887-JMF, CM/ECF Order**

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**Help Desk NYSD** <Help\_Desk@nysd.uscourts.gov>

Mon, Mar 25, 2024 at 11:06 AM

To: Darryl C Carter &lt;dccb.carter@gmail.com&gt;

Good morning,

Please clarify what you need from the Help Desk.

B. Cong

Help Desk Services

United District Courts

Southern District of New York

[500 Pearl Street New York, NY 10007](#)

(212)-805-0800, ext 2

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**From:** Darryl C Carter <[dccb.carter@gmail.com](mailto:dccb.carter@gmail.com)>**Sent:** Monday, March 25, 2024 10:56 AM**To:** Help Desk NYSD <[Help\\_Desk@nysd.uscourts.gov](mailto:Help_Desk@nysd.uscourts.gov)>**Cc:** Darryl C Carter <[dccb.carter@gmail.com](mailto:dccb.carter@gmail.com)>**Subject:** Darryl C. Carter v. Molly W. Park: 23-cv-10887-JMF, CM/ECF Order**CAUTION - EXTERNAL:**

[Quoted text hidden]

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.



Darryl C Carter &lt;dccb.carter@gmail.com&gt;

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**Darryl C. Carter v. Molly W. Park: 23-cv-10887-JMF, CM/ECF Order**

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**Darryl C Carter** <dccb.carter@gmail.com>

Mon, Mar 25, 2024 at 11:13 AM

To: Help Desk NYSD &lt;Help\_Desk@nysd.uscourts.gov&gt;

Cc: NYSD CM/ECF Helpdesk &lt;helpdesk@nysd.uscourts.gov&gt;, Darryl C Carter &lt;dccb.carter@gmail.com&gt;

Bcc: Darryl C Carter &lt;dcclawinfo@legalhotwater.com&gt;

I need filing access for my existing pacer account which is what the Order requests. I am an existing filer, which you can verify via case number Darryl C. Carter v. Keechant L. Sewell, 23-cv-1139-JLR, so my existing cm/ecf account needs to be linked to this case number per the attached Order which would permit filing and other CM features. Thank You, If you require any further information please let me know but I suspect if you locate the other case i.e. Sewell, you will have all the information required to fulfill the request. And the email address from which you are forwarding this requested, highlighted in yellow, if that is supposed to mean something, is not the email address associated with Helpdesk for this court. Thank You, Darryl

[Quoted text hidden]